

September 4, 2015

California Department of Water Resources  
Attention: Sustainable Groundwater Management Section  
PO Box 942836  
Sacramento, CA 94236  
submitted via email: [sgmps@water.ca.gov](mailto:sgmps@water.ca.gov)

To Whom It May Concern:

Thank you very much for the opportunity to provide comments on the Draft Basin Boundary Emergency Regulations.

On behalf of the Soquel-Aptos Groundwater Management Committee (SAGMC), a JPA between the City of Santa Cruz, County of Santa Cruz, Central Water District, and Soquel Creek Water District, we submit these comments for your consideration. The Basin Boundary Emergency Regulations are very important to us as we will be submitting a request to facilitate formation of our Groundwater Sustainability Agency (GSA) because the current boundaries do not promote sustainable groundwater management. The three public water supply agency members of SAGMC currently overlap four different Bulletin 118 basins: West Santa Cruz Terrace, Santa Cruz Purisima Formation, Soquel Valley, and Pajaro Valley (see Figure 1 attached). The partner agencies have been working together for several years on groundwater management and are currently working together to form a GSA.

We have been working diligently with our technical team, HydroMetrics WRI, who has prepared these comments. The comments below were approved by the SAGMC at their August 20, 2015 meeting and are divided into two sections. The first section includes comments related to requirements for the basin boundary revision requests. The second section includes comments seeking to clarify language in the draft regulations. In both sections, we describe how our plans for the SAGMC revision request are affected by the commented section of the draft regulations; this is meant to provide DWR context for our comments and their responses.

An additional comment I'd like to submit came out of recent discussions with DWR representatives related to Section 344.8, Local Support. As stated in our comments (see #5) which addresses the vagueness of "...by each affected agency and affected system", there is also concern with the language of Section 344.8(c) requiring support of a formally adopted resolution by an executive officer. This can be very difficult for local agencies to obtain, especially from small water systems that do not

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operate and function with an organizational structure that would be required by this draft language.

If you have any questions or need further clarification or information, please don't hesitate to contact me by phone at 831-475-8501x153 or by email at [melanies@soquelcreekwater.org](mailto:melanies@soquelcreekwater.org).

Sincerely,

SOQUEL CREEK WATER DISTRICT

A handwritten signature in purple ink that reads "melanie mow" followed by a long, horizontal, slightly wavy line.

Melanie Mow Schumacher  
Special Projects/Community Dialogue Manager

## REQUIREMENTS FOR BASIN BOUNDARY REVISION REQUESTS

1. *Section 342 defines a groundwater basin as “an alluvial aquifer or stacked series of alluvial aquifers.”* In its meeting with Central Coast agency representatives April 24, 2015, DWR staff stated that the stacked series of marine sandstone aquifers in the Soquel-Aptos area that provide groundwater supply could define a groundwater basin. The basin boundary revision request prepared for SAGMC will be prepared based on this broader definition.
2. *Section 342.2 limits scientific modifications to external boundary modifications and hydrogeologic barrier modifications.* This ignores the possibility that other modifications such as basin consolidations and internal boundary modifications could have scientific justifications that can be demonstrated by the technical studies required in section 344.14(a). For example, the SAGMC request will propose a basin consolidation of four basins that is based on a stacked series of aquifers that provide groundwater supply. It is possible other types of modifications can be considered hydrogeologic barrier modifications related to presence or absence of a barrier to subsurface flow. However, it is unclear under what conditions this can apply, especially where the existing Bulletin 118 descriptions do not refer to hydrogeologic barriers as they do not for the boundaries between the four relevant basins in the Soquel-Aptos area. If a modification can be supported by the requirements for technical studies for scientific modifications in section 344.14, the local support requirements of section 344.16 need not apply.
3. *There is conflicting information about how a basin consolidation (section 341(f)) can be combined with an external boundary modification (section 342.2(a)).* The definition of basin consolidation says that it “would not change the external boundary of any basin or subbasin.” However, section 342.2(a) on scientific modifications states “Except in the case of some basin consolidations, external basin boundaries will only be modified as a result of scientific modifications.” This exception is not discussed elsewhere in the draft regulations such as in section 344.16 on technical studies for jurisdictional modifications. Our plan for the SAGMC request is to submit a request to consolidate basins with an external boundary modification of the consolidated basin. As discussed in comment 2, we believe this request can be considered a scientific modification, but will also prepare a technical study for jurisdictional modification for the consolidation.

4. *The regulations regarding jurisdictional modifications (sections 342.4 and 344.16) do not discuss Bulletin 118's definition that any boundaries based on jurisdictional boundaries must be between subbasins and not basins.* An internal boundary modification is classified as a jurisdictional modification that can adjust the location of a shared boundary between adjacent basins (section 341(p)). The requested internal boundary modification may be based on an official jurisdictional boundary. Based on the draft regulations, it appears that the Bulletin 118 definition that such a boundary must be between subbasins no longer applies or there are no additional requirements to group existing basins as subbasins within a larger basin. With respect to the second option, any existing basin that is converted to a subbasin should not be considered to be a different basin, particularly for meeting local support requirements of section 344.8. This is consistent with the Act, which treats subbasins and basins equally. We seek guidance from DWR before submitting a revision request that may base an internal boundary modification for the Santa Cruz County boundary of the Pajaro Valley basin on the jurisdictional boundary of Pajaro Valley Water Management Agency, the agency with exclusive right to be a Groundwater Sustainability Agency within its jurisdiction.
5. *The definitions of affected agency and system in section 341 (c and e) that apply to the local support requirements of section 344.8 are subject to interpretation.* The definitions define affected agency/system as those with area that "include more, fewer, or different basins or subbasins." What constitutes a different basin is vague. It appears that agencies/systems within basins that are included in a basin that is consolidated are considered affected based on requirements in section 344.8(a)(2). However, our interpretation is agencies/systems in basins adjusted by an internal boundary modification are not considered affected if the agency/system remains in the same basin as before. For example, the modification request on behalf of SAGMC likely will involve an internal modification of the boundary between the Pajaro Valley basin with the adjacent basins to the west. We are assuming that the internal boundary modification will not require support (section 344.8(a)(1)) from all systems wholly within the current Pajaro Valley basin that remain wholly within the modified Pajaro Valley basin.
6. *In requirements for supporting information, Sections 344.12, 344.14, and 344.16 do not discuss how to incorporate documents of prior and ongoing work.* Our plan for the SAGMC revision request is to reference and provide the referenced

documents. The main text of the request will summarize the points from the documents that demonstrate requirements have been met. Any figures required by the draft regulations will be provided along with the main text. Relevant documents for SAGMC's request will include a conceptual hydrogeologic model technical memorandum (Section 344.12), a technical memorandum for development of a groundwater model (section 344.14), and a groundwater management plan (section 344.16).

7. *The draft regulations do not discuss format requirements for the submission.* Our plan for the SAGMC revision request is to submit it electronically to facilitate inclusion of very large documents that provides supporting information such as those mentioned in comment 6.
8. *Section 344.18 on CEQA Compliance does not provide detail on the information needed for DWR to meet CEQA requirements.* DWR should provide guidance on any additional requirements before finalizing the regulations. We plan to prepare the request for SAGMC based on the draft regulations.

#### LANGUAGE CLARIFICATION

9. *The definition of external boundary modification (section 341(l)) needs to be revised to be consistent with the definition of internal boundary modification (section 341(p)).* A possible revision is as follows: "would modify the boundary between the groundwater basin and the area outside ~~the~~ any basin." The definition of internal boundary modifications include "the shared boundary between adjacent basins."
10. *It appears that Section 343.8 specifies that DWR will both accept requests and complete evaluation within the review period.* Based on communication from DWR such as the accompanying fact sheet, DWR plans to accept basin boundary modification requests for a 90 day period beginning January 1, 2016. There does not seem enough time for DWR to review requests that are submitted at the end of the 90 day period.
11. *We assume that the one public meeting required to present draft modifications (Section 346.2) may have multiple basin boundary revision requests on the agenda.*

12. *Section 346.4 discusses two parts to recording basin boundary modifications. Formation of Groundwater Sustainability Agencies will proceed based on the first part.* The first part is to record the acceptance of the information on DWR's web site. This represents that DWR has accepted the revision and they have been finalized after review from the Water Commission (section 346.2). Groundwater Sustainability Agencies can base their jurisdictional boundaries based on the basins as revised after this occurs. The second part, incorporation of revised basin boundaries into subsequent updates to Bulletin 118, will take place at a later time.

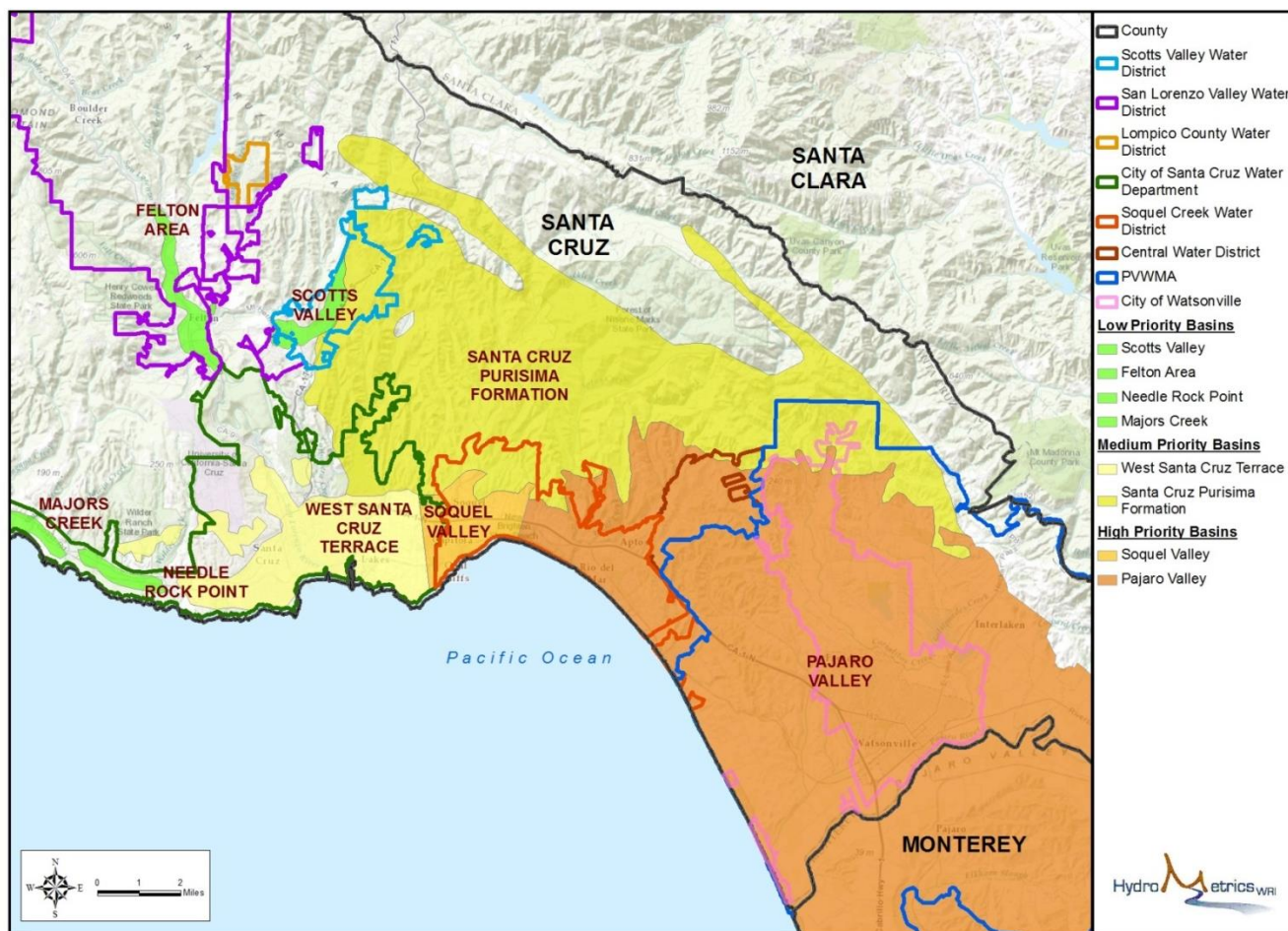


Figure 1. DWR Bulletin 118 Basins and Water Agencies in Santa Cruz County